

### **REMARKS/ARGUMENTS**

Claims 1-3 and 7-9 are pending. In this Response claims 1-3 are amended and 7-9 added. Reconsideration and allowance in view of the above amendments and following remarks are respectfully requested.

#### **Prior Art Rejections**

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Serizawa et al. (USPN 6,593,970) in view of Jones (USPN 6,924,841) and Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skow (US 2003/0184659) in view of Jones. These rejections are respectfully traversed.

As amended, claims 1-3 each now recite, *inter alia*, “in a single instance of photometry ... where during each photometry, aperture and electronic shutter speed are not changed.” Applicants respectfully submit that Serizawa, Jones and Skow fail to teach this feature alone or in combination.

At page three (3) of the Office Action the Examiner states:

First the Examiner points out that the limitation of “a single instance of photometry” is interpreted to encompass the entire process of photometry (i.e., all of the steps used in the process of calculating a photometry/exposure value).

This is a broad interpretation of the claim language upon which the Examiner relies. Claims 1-3, however, have been amended as shown above to specify during each instance of photometry that the aperture and electronic shutter speed are not changed. As such the

interpretation of encompassing the entire process of calculating a photometry relied upon by the Examiner is not accurate and cannot be used in rejection of the claims.

Applicants respectfully submit that Serizawa, Skow do not teach or suggest performing photometry where the aperture and electronic shutter speed are not changed. In fact, each of these references rely upon changing the exposure levels which rely upon aperture and shutter speed changes. See at least column 8 of Serizawa and paragraphs 22-24 of Skow.

Further, Jones fails to remedy the deficiencies of Serizawa and Skow. Thus, the combination of Serizawa and Jones fails to teach or suggest all the features of claim 1. Also the combination of Skow and Jones fails to teach or suggest all the features of claims 2 and 3. Accordingly, reconsideration and withdrawal of the rejections are respectfully request

In view of the above, the allowance of claims 1-3, as amended, is respectfully solicited.

Applicants submit that newly added dependent claims 7-9 recite features which are not taught or suggested by Serizawa, Skow, and Jones. Therefore, claims 7-9 are allowable due to their respective dependence on claim 1-3, as well as for the features they recite.

**CONCLUSION**

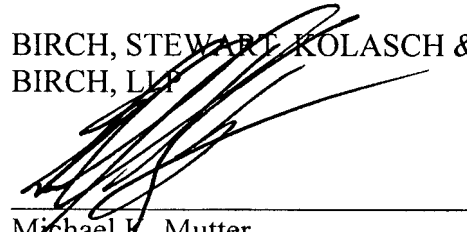
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

dated: September 4, 2007

Respectfully submitted,

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